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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**(HON. ROGER T. BENITEZ)**

UNITED STATES OF AMERICA, ) Case No. 08-CR 0511-BEN  
Plaintiff, ) Date: April 21, 2008  
v. ) Time: 2:00 P.M.  
MARK ALAN KOUNTZ, (5) ) NOTICE OF MOTIONS AND  
Defendant. ) MOTIONS TO:  
 ) 1) COMPEL DISCOVERY;  
 ) 2) NOTICE OF 404(B);  
 ) 3) ALLOW ATTORNEY  
 ) CONDUCTED *VOIR  
DIRE*; AND  
 ) 4) PERMISSION TO JOIN  
 ) MOTIONS OF CO-  
 ) DEFENDANT  
 ) 5) LEAVE TO FILE FURTHER  
 ) MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND  
TIMOTHY F. SALEL, ASSISTANT UNITED STATES ATTORNEY:

**PLEASE TAKE NOTICE** that on Monday, April 21, 2008, at 2:00 p.m., or as soon thereafter as counsel may be heard, the defendant Mark Alan Kountz [Kountz], by and through his attorney Casey Donovan, will ask this Court to issue an order granting the motions listed below.

111

## **MOTIONS**

The defendant, Mark Alan Kountz, by and through his attorney, Casey Donovan, asks this Court pursuant to the Fourth, Fifth, and Sixth Amendments to the United States Constitution, Federal Rules of Criminal Procedure 12, 16, 26.2, and all other applicable statutes and local rules for an order to:

1. Compel discovery;
2. Notice of 404(b);
3. Allow attorney conducted *voir dire*;
4. Permission to join in motions of the co-defendants; and
5. Leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, the files and records in the above-captioned matter, and any and all other materials that may come to this Court's attention prior to or during the hearing of these motions.

Dated: April 3, 2008

Respectfully submitted,

S/ Casey Donovan

**CASEY DONOVAN**  
Attorney for Defendant Mark Alan Kountz

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